



1 having entered on the 3rd day of January, 1974, its proposed Findings  
2 of Fact, Conclusion of Law and Order; and the Board having served  
3 said proposed Findings, Conclusion and Order upon all parties herein  
4 by certified mail, return receipt requested and twenty days having elapsed  
5 from said service; and

6 The Board having received no exceptions to said proposed Findings,  
7 Conclusion and Order; and the Board being fully advised in the  
8 premises; now therefore,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed  
10 Findings of Fact, Conclusion of Law and Order, dated the 3rd day of  
11 January, 1974, and incorporated by this reference herein and attached  
12 hereto as Exhibit A, are adopted and hereby entered as the Board's  
13 Final Findings of Fact, Conclusion of Law and Order herein.

14 DONE at Lacey, Washington this 29th day of January, 1974.

15 POLLUTION CONTROL HEARINGS BOARD

16 Walt Woodward  
17 WALT WOODWARD, Chairman

18 W. A. Gissberg  
19 W. A. GISSBERG, Member  
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BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
TRIANGLE LAND COMPANY,  
  
Appellant,  
  
vs.  
  
SOUTHWEST AIR POLLUTION  
CONTROL AUTHORITY,  
  
Respondent.

PCHB No. 450

FINDINGS OF FACT,  
CONCLUSION AND ORDER

This matter, the appeal of a \$100.00 civil penalty for an alleged open burning violation of respondent's Regulation I came before the Pollution Control Hearings Board (Walt Woodward, presiding officer, and William A. Gissberg) at a hearing in the City Hall, Vancouver, Washington, at 2:30 p.m., December 28, 1973.

Appellant did not appear although the start of the hearing was delayed twenty minutes until 2:50 p.m. Respondent appeared through James D. Ladley. Thomas Archer, Kelso court reporter, recorded the proceedings.

EXHIBIT A

1 One witness was sworn and testified and one exhibit was admitted.

2 From testimony heard and exhibit examined, the Pollution Control  
3 Hearings Board makes these

4 FINDINGS OF FACT

5 I.

6 On April 24, 1973, at a construction site near the intersection of  
7 39th Street and 152nd Avenue, Vancouver, Clark County, on property  
8 owned by appellant a large pile of building debris was burned with no  
9 permit having been issued to authorize such a fire. In connection  
10 therewith, respondent issued to appellant a notice of violation, citing  
11 Section 4.01 of respondent's Regulation I and imposing a civil penalty  
12 of \$100.00, which is the subject of this appeal.

3 II.

14 Section 4.01 of respondent's Regulation I makes it unlawful to  
15 allow an open fire to be burned without a proper permit. Section 4.01(d)  
16 of respondent's Regulation I declares that it shall be prima facie  
17 evidence that the person who owns property on which a prohibited open  
18 fire is burned has allowed that fire.

19 From these findings, the Pollution Control Hearings Board comes  
20 to this

21 CONCLUSION

22 Appellant was in violation of Section 4.01 of respondent's  
23 Regulation I in Vancouver, Clark County, on April 24, 1973, and the  
24 \$100.00 civil penalty invoked therefore is reasonable.

25 Therefore, the Pollution Control Hearings Board issues this  
26

27 FINDINGS OF FACT,  
CONCLUSION AND ORDER

ORDER

The appeal is denied and the \$100.00 civil penalty is sustained.

DONE at Lacey, Washington this 3<sup>rd</sup> day of January, 1974.

POLLUTION CONTROL HEARINGS BOARD

Walt Woodward  
WALT WOODWARD, Chairman

W. A. Gissberg  
W. A. GISSBERG, Member

FINDINGS OF FACT,  
CONCLUSION AND ORDER